

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

MASTER LENDING GROUP, LLC,

Plaintiff,

v.

TRUIST BANK,

Defendant/Third-Party Plaintiff,

v.

HIRSCH & TUCKER, LLC

Third-Party Defendant.

CIVIL ACTION NO.: 4:21-cv-
00263-RSB-CLR

STATUS REPORT

Pursuant to the Scheduling Order entered in the above captioned case, Plaintiff and Defendant make the following report to the Court.

I. DISCOVERY

Plaintiff's Position:

A. Is all discovery completed in this case?

☐ Yes ☒ No

- If "No", please list what discovery is remaining:

Plaintiff wants to take a 30(b)(6) deposition of Defendant. There is currently a Third-Party Defendant that may need to complete discovery.

B. Are there any discovery issues which have been or will be brought before the Court for resolution?

☒ Yes ☐ No

- If “Yes”, please briefly explain:

Plaintiff will request that the Court permit it to take the 30(b)(6) deposition of Defendant.

On January 11, 2022, Plaintiff’s counsel inquired about taking the 30(b)(6) deposition of the corporate defendants and provided Defendant’s Counsel with drafts of the notices identifying subject matter that was contemplated at that time and requesting proposed dates for the depositions to occur in February. After some email communication and Plaintiff providing an extension of time for Defendants to respond to discovery requests, the parties conferred about the 30(b)(6) depositions of defendants on or about Tuesday, January 18, 2022. Plaintiff agreed for its representative’s deposition to be taken on January 28, and Plaintiff understood that the defendant’s deposition would be scheduled after discovery responses were received from defendant. On January 31, 2022, defendants filed a motion for leave to file a Third-Party Complaint.

After reviewing defendants’ discovery responses, Plaintiff sent a good faith letter on February 7, 2022, identifying numerous answers to interrogatories and requests for production of documents that Plaintiff believed were insufficient. Counsel for the parties conferred about discovery responses, the defendants’ motion for leave to file a Third-Party Complaint and also about Plaintiff’s Motion for Leave to File its First Amended Complaint. The parties filed a joint stipulation on February 10, 2022, indicating that neither party would oppose the other party’s pending motions and stipulated to the dismissal of Wells Fargo. Thereafter, Plaintiff knew that Defendant Truist would be filing its Third-Party Complaint and that discovery would have to be completed after the third party was added to the case. Plaintiff expected a new scheduling order to be entered with the addition of a third-party defendant and believed it was inefficient to take the 30(b)(6) deposition of defendant prior to the third-party defendant being involved as that would almost certainly result in two depositions of the defendant’s representative. On March 10, after the Court granted its unopposed motion, Plaintiff filed a Third-Party Complaint against Hirsch & Tucker, which filed its answer on March 30, 2022. Defendant has been aware of Plaintiff’s desire to take a 30(b)(6) deposition of defendant since at least January 11. Plaintiff delayed the deposition solely because of the addition of a Third-Party and its effort to be efficient in use of discovery resources.

If a new scheduling order is not entered in connection with the third-party claim, Plaintiff will seek relief from the Court to allow it to take the 30(b)(6) deposition of defendant. Plaintiff does not otherwise seek to expand discovery or delay this case but believes it should be entitled to take the deposition of the defendant, which it first began seeking to schedule in January of 2022. Any delay in completing this discovery was solely based upon the addition of a Third-Party Defendant and expectation that the addition of that party would impact the additional discovery in the case.

Defendant's Position:

A. Is all discovery completed in this case?

☒ Yes ☐ No

- If "No", please list what discovery is remaining:

[Click here to enter text.](#)

B. Are there any discovery issues which have been or will be brought before the Court for resolution?

☒ Yes ☐ No

- If "Yes", please briefly explain:

To the extent Plaintiff intends to request that the Court allow Plaintiff to take a 30(b)(6) deposition of Defendant, the Court's November 10, 2021 Scheduling Order (Doc. 16) made clear that the Court expected the parties to comply with the deadlines outlined therein. Per the Scheduling Order, the deadline to depose non-experts was March 15, 2022 and the deadline to depose experts was June 15, 2022.

Plaintiff's decision to "delay" pursuing a 30(b)(6) deposition was just that: Plaintiff's decision. Further, the Third-Party Complaint was not filed until March 9, 2022, so it is unclear why Plaintiff could not have pursued a 30(b)(6) deposition before the March 15, 2022 deadline. Defendant intends to oppose any request by Plaintiff to take a 30(b)(6) deposition when the deadline to do so has already passed.

II. SETTLEMENT

A. Have the parties made efforts to resolve this case?

☒ Yes ☐ No

- If "Yes", please explain those efforts:

Plaintiff's counsel and Defendant's counsel have had conversations on the telephone regarding the potential for settlement.

B. Are the parties prepared to discuss settlement of this case with the Court at this time?

☒ Yes ☐ No

- If “No”, please explain:

[Click here to enter text.](#)

C. Are there any third parties and/or lien holders that should be included in any settlement discussions for this case?

☒ Yes ☐ No

- If “Yes”, please list those parties:

Third-Party Defendant Hirsch & Tucker, LLC

D. The Parties propose the following agreed upon dates, prior to the deadline for filing motions, for conducting a status conference. *(Please provide several dates for the Court’s consideration in scheduling. Regardless of whether the Parties seek to discuss settlement, the Court may require that each party have a representative with full settlement authority present.)*

Plaintiff and Defendant are available July 7,12, 14 of 2022.

III. MOTIONS

A. The Plaintiff(s) anticipate filing the following Motions:

- ☒ None
☐ Motion for Summary Judgment
☐ Motion to Exclude Expert Testimony
☐ Other Motion(s) (Except for Motions in Limine), please explain:

[Click here to enter text.](#)

B. The Defendant(s) anticipate filing the following Motions:

- ☐ None
☒ Motion for Summary Judgment

- ☐ Motion to Exclude Expert Testimony
- ☐ Other Motion(s) (Except for Motions in Limine), please explain:

Click here to enter text.

IV. ADDITIONAL MATTERS

If there are any other matters regarding this case that the Parties seek to bring to the Court's attention at this time, please briefly explain:

Click here to enter text.

Dated: June 30, 2022

/s/ Dwight T. Feemster

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CERTIFICATE OF SERVICE

This is to certify that I have on this day served all parties in this case with the forgoing Status Report in accordance with the directives from the Court Notice of Electronic Filing (“NEF”) which was generated as a result of this electronic filing.

This 30th day of June, 2022.

EPPS, HOLLOWAY, DELOACH &
HOIPKEMIER, LLC

BY: /s/ Jeffrey W. DeLoach
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